

all the elongated material comprising a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet, and a pocket sheet having opposed peripheral edges, the opposed peripheral edges attached to the fluid permeable body-side liner, whereby upon expansion of the pocket sheet in a direction away from the fluid impermeable backsheet a pocket for collection of fecal matter is formed by the pocket sheet.

The additional fee for the addition of this new independent claim is enclosed with this amendment.

REMARKS

Applicant respectfully requests favorable reconsideration of the subject application, particularly in view of the above amendment and the following remarks.

Applicant has amended the subject application by adding an additional independent claim in which the pocket of the claimed absorbent article is indicated to be formed by the pocket sheet. The pocket sheet corresponds to the flap sheet, support for which may be found at Page 10, line 7 of the specification of the subject application. This claim also requires that the opposed edges of the pocket sheet be attached to the fluid permeable body-side liner as shown in Fig. 2 of the subject application. Accordingly, Applicant respectfully urges that this amendment is fully

supported by the application as originally filed and incorporates no new subject matter into the application.

Claims 1-17 have been rejected. For the reasons set forth hereinbelow, Applicant respectfully urges that the prior art relied upon by the Examiner as a basis for rejection of the subject application neither renders obvious nor anticipates Applicant's claimed invention.

The invention claimed by Applicant is an absorbent article comprising an elongated material having two enlarged end portions and a narrowed portion intermediate the two enlarged end portions. One of the two enlarged end portions corresponds to the back region of the absorbent article. The elongated material comprises a fluid impermeable backsheet, a fluid permeable body-side liner attached to one side of the fluid impermeable backsheet and a flap sheet, also referred to at Page 10, line 7 of the subject application as *a pocket sheet*, attached along opposed peripheral edges to the fluid permeable body-side liner, which flap sheet is expandable in a direction away from the fluid impermeable backsheet proximate the back region of the absorbent article, whereby a pocket for collection of fecal matter is formed. That is, it is the *pocket sheet* that forms the pocket in accordance with Applicant's claimed invention.

Claims 1-14 have been rejected under 35 U.S.C. 102 (b) as being anticipated by Foreman, U.S. Patent 4,738,677. This rejection is respectfully

traversed. The Foreman patent teaches a disposable absorbent article such as a diaper having a front waist region, a back waist region, a crotch region and a periphery which is defined by the outer edges of the diaper in which the longitudinal edges are designated by reference numeral 30 and the end edges are designated by reference numeral 32 as shown in Fig. 1. The diaper further comprises a liquid pervious topsheet, a liquid impervious backsheet and an absorbent core disposed therebetween. Disposed along each side of the diaper are gasketing cuffs 56, each of which comprises a side flap 58 and one or more flap elastic members 60. Disposed toward the interior of the diaper are longitudinally extending first barrier cuffs 62, each of which comprises a flap portion 74 and a channel portion 75 and has a first proximal edge 64, a first distal edge 66, an inboard surface 68, an outboard surface 70 and ends 72. Spacing means 76 such as a spacing elastic member 77 are provided for spacing the first distal edge 66 away from the liquid receiving surface 40. The diaper further comprises second barrier cuffs 262, each of which comprises a second flap portion 274 and a second channel portion 275 and having a second proximal edge 264, a second distal edge 266, an inner surface 268, an outer surface 270, and ends 272. The distal edges of the barrier cuffs overlap at corner points 100 to form a containment pocket, which containment pocket has channels that are formed between the proximal edges and the distal edges due to the distal edges of the barrier cuffs being spaced away from the liquid receiving surface so as to restrain, contain and hold body

exudates. The effect of this design, as can clearly be seen in Figs. 2 and 3 of the Foreman patent, is to provide *a barrier around the entire periphery of the liquid receiving surface* so as to prevent the body exudates from leaking out of the diaper. Thus, in contrast to the invention claimed by Applicant in which the pocket of the diaper is formed substantially only by the flap sheet or pocket sheet, the pocket of the diaper of the Foreman patent is formed by a combination of the barrier cuffs and the liquid receiving surface of the diaper, that is, two separate components of the diaper. And, as clearly shown in Figs. 2 and 3 of the Foreman patent, only one edge of the flap 62 is attached to the backsheet, leaving the opposite edge free to move away from the liquid receiving surface. Thus, it is not possible for the flap to form a pocket as required by Applicant's claimed invention. Applicant respectfully urges that the Foreman patent neither teaches nor suggests the formation of a pocket in a diaper by means of a flap sheet alone as claimed by Applicant.

With respect to Claims 3 and 9 of the subject application in which the flap sheet or pocket sheet is indicated to be pleated along opposed edges in a longitudinal direction of the absorbent article, the Examiner argues that such pleats are taught by the Foreman patent. Support for this argument is indicated by the Examiner to be set forth at Column 9, lines 65-69 where it is indicated that the flaps may be contracted by pleating. Applicant respectfully urges, however, that no specifics regarding the pleating are stated and, thus, it is not reasonable to conclude

that this pleating corresponds to the pleats formed by the pocket sheet of the invention claimed by Applicant. Indeed, as discussed at Page 11, lines 17-20, of the specification of the subject application, pleats are defined as well-defined folds, and these folds extend longitudinally on both sides of the flap sheet. No such pleats are taught or suggested by the Foreman patent. Accordingly, Applicant respectfully urges that the Foreman patent does not anticipate the invention claimed by Applicant in the manner required by 35 U.S.C. 102 (b).

Claims 15-17 have been rejected under 35 U.S.C. 103 (a) as being unpatentable over the Foreman patent in view of Igaue et al., U.S. Patent 5,114,420. This rejection is respectfully traversed. Applicant's arguments with respect to the Foreman patent as set forth hereinabove are equally applicable to this rejection and, thus, will not be repeated other than to reiterate that the Foreman patent neither teaches nor suggests an absorbent article comprising a pocket sheet which forms a pocket in the manner required by Applicant's claimed invention. Claims 15-17 are directed to a method for producing the absorbent article of Claim 1. The Examiner acknowledges that the Foreman patent does not teach nor suggest removing portions of a rectangularly configured multilayer material and forming pleats in the flap sheet proximate the back region of the absorbent article as required by the method of Applicant's claimed invention. Rather, the Examiner relies upon the Igaue et al. patent as teaching this aspect of Applicant's claimed invention. However, because

the Foreman patent does not teach or suggest an absorbent article comprising a flap sheet or pocket sheet as claimed by Applicant which is expandable to form a pocket, Applicant respectfully urges that application of the teachings of the Igaue et al. patent to the teachings of the Foreman patent would not result in an absorbent article as claimed by Applicant. Accordingly, it follows that the method of the invention claimed by Applicant is also neither taught nor suggested by the combination of the Foreman patent and the Igaue et al. patent. Thus, Applicant respectfully urges that the Foreman patent and the Igaue et al. patent, alone or in combination, do not render Applicant's claimed invention obvious in the manner required by 35 U.S.C. 103 (a).

Accordingly, Applicant sincerely believes that this application is in condition for allowance, and early allowance is respectfully requested.

Respectfully submitted,



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